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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,231	09/20/2001	Paul W. Chapin	2387.02US02	5856

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EXAMINER	
DESIR, JEAN WICEL	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,231	CHAPIN ET AL.	
	Examiner	Art Unit	
	Jean W. Désir	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/26/05, Amendment*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Swix et al (US 6,718,551).

Claim 1:

The claimed "an initial real time, predetermined video advertisement segment deliverable over the broadcast interactive television medium, the initial video advertisement segment having a plurality of selectable zones" is disclosed, see col. 6 lines 8-25;

the claimed "and a plurality of selectable, predetermined video advertisement segments, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively delivered to a viewer in direct response to selection by the viewer of that zone, and wherein at least one of the selectable zones

corresponds to a plurality of selectable, predetermined video advertisement segments that present parts of a storyline" is disclosed, see col. 11 line 59 to col. 12 line 19, col. 7 lines 43-51, Fig. 4.

Claim 2 is disclosed, see col. 11 lines 11-22.

Claim 3 is disclosed, see col. 7 lines 39-42.

Claim 4 is disclosed, see col. 11 lines 11-33, col. 12 lines 37-59.

Claim 7:

The claimed "an initial real time, predetermined video advertisement segment deliverable over the broadcast interactive television medium, the initial video advertisement segment having a plurality of selectable zones" is disclosed, see col. 6 lines 8-25;

the claimed "and a plurality of selectable, predetermined video advertisement segments, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively delivered to a viewer in direct response to selection by the viewer of that zone" is disclosed, see col. 11 line 59 to col. 12 line 19, col. 7 lines 43-51, Fig. 4.

Claim 8:

The claimed "simultaneously delivering an initial real time, predetermined video advertisement segment to a plurality of viewers over the broadcast interactive television medium, the initial video advertisement segment having a plurality of selectable zones" is disclosed, see col. 6 lines 8-25, col. 5 lines 29-38;

the claimed "providing a plurality of selectable, predetermined video advertisement segments, each selectable video advertisement segment corresponding to one of the plurality of selectable zones, and wherein at least one of the selectable zones corresponds to a plurality of selectable, predetermined video advertisement segments that present parts of a storyline; and in response to selection of a selectable zone by one of the plurality of viewers, directly delivering the corresponding selectable video advertisement segment to that viewer" is disclosed, see col. 11 line 59 to col. 12 line 19, col. 7 lines 43-51, Fig. 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swix et al (US 6,718,551).

Claim 5:

The claimed "wherein unselected selectable zones are represented by a picture-in-picture windows" is not explicitly disclosed by the Swix's disclosure. However, Official Notice is taken that picture-in-picture windows technique, as claimed, is a notoriously well known technique in the art, an artisan at the time the invention was made would be motivated to modify Swix's disclosure to implement the existing

technique, because the technique is readily available to the designer and the implementation would provide to the viewers simultaneously displayed of video segments.

Claim 6 is rejected for the same reasons as claim 5.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicants argue on page 5 of the REMARKS that "The subscriber registration database or customer profile taught by Swix et al. cannot be said to select advertisements in direct response to selection by the viewer"; and "Moreover, there is nothing in Swix et al. which corresponds to the selectable zones as taught and claimed by the present invention". These arguments are not persuasive, because as pointed out in the rejection, col. 11 line 59 to col. 12 line 19 clearly taught the claimed invention because this portion referred to Fig. 2 item 212 where advertisements segments are selectively delivered to a viewer in direct response to selection by the viewer (see item 212a) as claimed in the claimed invention. And Swix also teaches **selectable zones**, as claimed, because Swix teaches that advertisements segments are choosing according to the subscriber's customer profile and demographic group (see col. 6 lines 21-24, col. 9 lines 25-31); and the subscriber's customer profile and demographic group are considered as included the **selectable zone** of the viewer as claimed and as pointed out in the rejection. Therefore, Applicants' arguments are not persuasive, the rejection is maintained before the Office.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 95717344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 47957353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Jul. 25, 05

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600